

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Shantel Harris,	)	C/A No.: 0:15-cv-00527-GRA-PJG
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	(Written Opinion)
Simon Major, Director; Daryl F.	)	
McGhaney, Asst Director/Major;	)	
Sumter-Lee Regional Detention Center;	)	
Staff Sgt James, Staff Sergeant,	)	
Sumter-Lee Regional Detention Center,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court for review of United States Paige J. Gossett's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(d) of the District of South Carolina, and filed on August 21, 2015. ECF No. 38. Plaintiff Shantel Harris ("Plaintiff"), a prisoner currently incarcerated at Sumter-Lee Regional Detention Center in Sumter, South Carolina, brought this claim pursuant to 42 U.S.C. § 1983. ECF No. 1. Plaintiff filed a Motion for Default Judgment on or around April 8, 2015, and the Magistrate Judge recommends that Plaintiff's motion be denied. ECF Nos. 26 & 38.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations

made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* "The failure to file objections to the report and recommendation waives any further right to appeal." *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987); see *Carter v. Pritchard*, 34 F. App'x 108, 108 (4th Cir. 2002) (per curiam). Furthermore, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

In this case, Plaintiff asserts that Defendants failed to timely file a response to the Summons and Complaint served on March 11, 2015. ECF No. 26. However, the docket confirms that Defendants timely filed a response on April 1, 2015. ECF No. 28. Federal Rule of Civil Procedure 55(a) clearly states that the court must enter a party's default "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend." Accordingly, a default judgment is not appropriate because Defendants timely filed an answer to Plaintiff's complaint.

After a review of the record, this Court finds that the Magistrate Judge's Report and Recommendation accurately summarizes the case and the applicable law. Accordingly, for the reasons articulated by the Magistrate Judge, the Report and Recommendation is accepted and adopted in its entirety.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Default Judgment is DENIED.

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.  
Senior United States District Judge

September 17, 2015  
Anderson, South Carolina